

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY ALEXANDER,

Plaintiff, No. CIV S-03-1014 LKK KJM P

vs.

Lt. PLAINER, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action seeking relief under 42 U.S.C. § 1983.

Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's February 24, 2006 motion for the appointment of counsel will therefore be denied.

1 On March 15, 2006, plaintiff filed a motion to stay the proceedings and for leave
2 to amend his complaint. Plaintiff's motion was not, however, accompanied by a proposed
3 amended complaint. As a litigant proceeding in forma pauperis, plaintiff's pleadings are subject
4 to evaluation by this court under the in forma pauperis statute. See 28 U.S.C. § 1915. Because
5 plaintiff did not submit a proposed amended complaint, the court is unable to evaluate it.
6 Plaintiff's motion for leave to amend must therefore be denied. Moreover, because plaintiff has
7 requested the stay in order to pursue the amended complaint, it, too, will be denied.

8 Accordingly, IT IS HEREBY ORDERED that

- 9 1. Plaintiff's February 24, 2006 motion for the appointment of counsel is denied.
10 2. Plaintiff's March 15, 2006 motion for a stay and for leave to amend is denied.

11 DATED: May 16, 2006.

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14 UNITED STATES MAGISTRATE JUDGE
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